



COMMONWEALTH of VIRGINIA

POST OFFICE BOX 2452

Secretary of the Commonwealth

RICHMOND, VIRGINIA 23218-2452

CERTIFICATE OF COMPLIANCE

VIRGINIA

3/2/2022

For the:

Carroll County Circuit Court
PO Box 218
605 Pine Street
Hillsville, VA24343-0218

Symantha L. Turner c/o Skolrood Law Firm

vs.

Kenneth D. Porter, Jr.

CASE NUMBER: CL22-35

RETURN DATE:

Summons and Complaint


Interrogatories and Requests for Production of Documents

Requests for Admission

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. Legal service in the above-styled case was made 2/22/2022 upon the Secretary of the Commonwealth as statutory agent for persons to be served in accordance with section 8.01-329 of the Code of Virginia as amended.
2. Papers were forwarded by certified mail, return receipt requested, to the name and address listed below on 2/24/2022:

Kenneth D. Porter, Jr.
12537 Cheryl Anne Place
Tabor City, NC28463-7132


Service of Process Clerk
Designated by the Authority of the
Secretary of the Commonwealth





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CERTIFICATE OF COMPLIANCE

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For the:

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PO Box 218
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Symantha L. Turner c/o Skolrood Law Firm

vs.

Tracie McCormick, Inc., Tracie McCormick, Registered Agent

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I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. Legal service in the above-styled case was made 2/22/2022 upon the Secretary of the Commonwealth as statutory agent for persons to be served in accordance with section 8.01-329 of the Code of Virginia as amended.
2. Papers were forwarded by certified mail, return receipt requested, to the name and address listed below on 2/24/2022:

Tracie McCormick, Inc., Tracie McCormick, Registered Agent
5924 New Nashville Highway
Murfreesboro, TN 37129-7020


Service of Process Clerk
Designated by the Authority of the
Secretary of the Commonwealth

FEB 17 2022



February 14, 2022

Hon. Gerald R. Goad, Clerk
Carroll County Circuit Court
P.O. Box 218
Hillsville, VA 24343-0218

RE: *Symantha L. Turner v. Kenneth D. Porter, Jr. and Tracie McCormick, Inc.*

Dear Mr. Goad:

Enclosed are a Civil Cover Sheet with the original Complaint, Interrogatories and Request for Production and Requests for Admission to be filed in your office. Please return the recording receipt and a file-stamped copy of the first page of the Complaint to me in the enclosed self-addressed stamped envelope. I have enclosed our firm check in the amount of \$346.00 payable to the Carroll County Circuit Court to cover the appropriate filing fee.

Also enclosed are additional copies of the Complaint with Interrogatories and Requests for Production of Documents for service on defendant Kenneth D. Porter, Jr. Using the enclosed, postage paid envelope, please mail Mr. Porter's documents to the Secretary of the Commonwealth for service, as per the enclosed affidavit. I have enclosed a check in the amount of \$28.00 payable to the Secretary of the Commonwealth for service on the defendant, Kenneth D. Porter, Jr., at 12537 Cheryl Anne Place, Tabor City, NC 28463-7132.

Also enclosed are additional copies of the Complaint with Interrogatories and Requests for Production of Documents and Request for Admission for service on defendant Tracie McCormick, Inc. Using the enclosed, postage paid envelope, please mail Tracie McCormick, Inc.'s documents to the Secretary of the Commonwealth for service, as per the enclosed affidavit. I have enclosed a check in the amount of \$28.00 payable to the Secretary of the Commonwealth for service on Tracie McCormick, Registered Agent for the defendant, Tracie McCormick, Inc., at 5924 New Nashville Highway, Murfreesboro, TN 37129-7020.

When you have received the service affidavits from the Secretary of the Commonwealth and marked them filed with your Court, please return a copy of those documents to my office. I have enclosed a self-addressed, stamped envelope for your convenience.

If you have any questions or comments regarding this matter, please call me. Thank you for your cooperation and assistance.

Very truly yours,

SKOLROOD LAW FIRM PC

A handwritten signature in dark ink, appearing to read "B. Sykes".

Benjamin J. Sykes, Esq.

BJS/ad

Enclosures

c: Miss Symantha L. Turner
Allison F. Rienecker, Esq.

Offices Located in Roanoke and Lynchburg

Colonnade Corporate Center | 2965 Colonnade Drive, SW, Suite 225 | Roanoke, Virginia 24018
Phone (540) 989-0500 | Fax (540) 989-1888 | www.skolrood.com

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Case No.

Carroll County

Circuit Court

Symantha L. Turner

V.

Kenneth D. Porter, Jr. and Traic McCormick, Inc.

c/o Skolrood Law Firm, 2965 Colonnade Drive, SW, Suite 225

Serve: Kenneth D. Porter Jr.

Roanoke, VA 24018

12537 Cheryl Anne Place, Tabor City, NC 28463-7132

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint☐ Notice☒ Subpoena and Requests for Production of Documents, Requests for Admission

I, the undersigned Affiant, state under oath that

☒ the above-named defendant ☐
whose last known address is ☒ same as above ☐

- ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).
- ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

 is the hearing date and time on the attached process or notice (if applicable).

02/14/2022

DATE

☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYEEState of Virginia ☐ City ☒ County of RoanokeAcknowledged, subscribed and sworn to before me this day by Benjamin Sykes

AMELIA SUZANNE DALTON
 NOTARY PUBLIC
 REG. #7949461
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES AUGUST 31, 2025

2/14/22

DATE

Amelia Suzanne Dalton☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLICNotary Registration No. 7949461 My commission expires: 8/31/25

[*] Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.**CERTIFICATE OF COMPLIANCE**

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

- On, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
- On, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

Case No.

Carroll County

Circuit Court

Symantha L. Turner

V.

Kenneth D. Porter, Jr. and Tracie McCormick, Inc.

c/o Skolrood Law Firm, 2965 Colonnade Drive, SW, Suite 225

Serve: Tracie McCormick, Inc., Tracie McCormick, Registered Agent

Roanoke, VA 24018

5924 New Nashville Highway, Murfreesboro, TN 37129-7020

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☒ Summons and Complaint☐ Notice☐ Interrogatories and Requests for Production of Documents, Requests for Admission

I, the undersigned Affiant, state under oath that

☒ the above-named defendant ☐
whose last known address is ☒ same as above ☐

- ☒ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).
- ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

 is the hearing date and time on the attached process or notice (if applicable).

02/14/2022

DATE

☐ PARTY ☒ PARTY'S ATTORNEY ☐ PARTY'S AGENT ☐ PARTY'S REGULAR AND BONA FIDE EMPLOYEEState of Virginia ☐ City ☒ County of RoanokeAcknowledged, subscribed and sworn to before me this day by Benjamin Sykes

PRINT NAME OF SIGNATORY

AMELIA SUZANNE DALTON

NOTARY PUBLIC

REG. #7949461

COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES AUGUST 31, 2025

2/14/22

DATE

Amelia Suzanne Dalton☐ CLERK ☐ MAGISTRATE ☒ NOTARY PUBLICNotary Registration No. 7949461 My commission expires: 8/31/25

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NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

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- On, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIACase No. _____
(CLERK'S OFFICE USE ONLY)

Carroll County

Circuit Court

Symantha L. Turner
PLAINTIFF(S)

v./In re:

Kenneth D. Porter, Jr.
DEFENDANT(S)

Tracie McCormick, Inc.

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL**Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☒ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration - Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights - Restoration
☐ Forfeiture of U.S. Currency
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 1,250,000.00, are claimed.

February 14, 2022

DATE

Benjamin J. Sykes, Esq., VSB #79127

PRINT NAME

Skolrood Law Firm, 2965 Colonnade Drive, SW, Suite 225

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

Roanoke, VA 24018

bsykes@skolrood.com

540-989-0500

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☐ PLAINTIFF☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CARROLL

SYMANTHA L. TURNER,

Plaintiff,

v.

Case No: CL

KENNETH D. PORTER, JR.,

Serve: Secretary of the Commonwealth

12537 Cheryl Anne Place

Tabor City, NC 28463-7132

and

TRACIE MCCORMICK, INC.,

Serve: Secretary of the Commonwealth

Tracie McCormick, Registered Agent

for Tracie McCormick, Inc.

5924 New Nashville Highway

Murfreesboro, TN 37129-7020

Defendants.

COMPLAINT

NOW COMES the plaintiff, Symantha L. Turner, and moves for judgment against the defendants, Kenneth D. Porter, Jr., and Tracie McCormick, Inc., jointly and severally, on the grounds and in the amount set forth below:

1. At all times pertaining hereto, defendant, Tracie McCormick, Inc., (hereinafter referred to as "McCormick") is a Tennessee corporation with its principal place of business in Murfreesboro, Tennessee.

2. At all pertinent times herein, defendant Kenneth D. Porter, Jr., was the agent and employee of, and was acting as the agent and employee of the defendant, McCormick.



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Suite 225
Roanoke, Virginia 24018
Phone 540-989-0500
Fax 540-989-1888

3. At all pertinent times herein, defendant Kenneth D. Porter, Jr., was the driver of the vehicle owned by defendant, McCormick.

4. On or about the 27th day of May, 2020, the plaintiff Symantha L. Turner, was operating a vehicle traveling on I-77 northbound, south of Coulson Church Road, in the County of Carroll, in the Commonwealth of Virginia.

5. At that time and place, the defendant Kenneth D. Porter, Jr., was operating a 2016 International Tractor Trailer, also traveling on I-77 northbound, south of Couson Church Road, in the County of Carroll, in the Commonwealth of Virginia.

6. At that time and place, it was the duty of the defendant Kenneth D. Porter, Jr., to operate the vehicle he was driving with reasonable care and with due regard for others using the road, including the plaintiff, Symantha L. Turner.

7. Notwithstanding said duties, Kenneth D. Porter, Jr., carelessly, recklessly, and negligently operated the vehicle he was driving so that it struck the side of plaintiff Symantha L. Turner's vehicle, with great force and violence causing the vehicle operated by Symantha L. Turner to strike a guardrail and crash. Kenneth D. Porter, Jr., was negligent, including he:

- (a) failed to keep a proper lookout;
- (b) failed to maintain proper control of his vehicle;
- (c) failed to pay full time and attention;
- (d) made an unsafe lane change;
- (e) operated his vehicle in a reckless and unsafe manner;
- (f) operated his vehicle at an unsafe distance from plaintiff's vehicle;



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- (g) drove from the left lane into the right lane that was already occupied by the plaintiff's vehicle causing collision with the plaintiff's vehicle in the right lane causing the plaintiff's vehicle to strike a guardrail and crash.

8. As a direct and proximate result thereof, plaintiff, Symantha L. Turner, sustained damages, including but not limited to serious and permanent injuries; has suffered and will continue to suffer great pain of body and mind; has sustained a loss of income and a loss of earning capacity; has sustained permanent disability; has incurred and will incur in the future, hospital, doctors' and related bills in an effort to be cured of said injuries.

9. Defendant, McCormick, is vicariously liable for the negligence and resulting damages caused by its agent and/or employee, defendant, Kenneth D. Porter, Jr.

WHEREFORE, the plaintiff, Symantha L. Turner, demands judgment against the defendants, Kenneth D. Porter, Jr., and Tracie McCormick, Inc., jointly and severally, in the sum of **ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000.00)** plus interest and costs assessed as of the day of the accident referenced herein.

TRIAL BY JURY IS DEMANDED.

SYMANTHA L. TURNER

By: _____


OF Counsel

Benjamin J. Sykes, Esq., VSB#79127
SKOLROOD LAW FIRM PC
2965 Colonnade Drive, S.W., Ste. 225
Roanoke, VA 24018
Telephone (540) 989-0500
Facsimile (540) 989-1888
Email: bsykes@skolrood.com
Counsel for Plaintiff



Colonnade Corporate Center
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Suite 225
Roanoke, Virginia 24018
Phone 540-989-0500
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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CARROLL

SYMANTHA L. TURNER,

Plaintiff,

v.

Case No: CL

KENNETH D. PORTER, JR.,

Serve: Secretary of the Commonwealth
12537 Cheryl Anne Place
Tabor City, NC 28463-7132

and

TRACIE MCCORMICK, INC.,

Defendants.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT KENNETH D. PORTER, JR.**

Plaintiff propounds the following Interrogatories to Defendant, Kenneth D. Porter, Jr., to be separately answered in writing, under oath, within twenty-eight (28) days following the date of service hereof.

Definition and Instructions

A. "Document" or "Documents" means and includes every form of document and tangible thing fairly included within the description of designated documents and tangible things appearing in Rule 4:9 (a) (1) of the Rules of the Supreme Court of Virginia ("the Rules"), as broadly as such rule has been interpreted by the appellate courts of the jurisdiction in which this action is pending.

B. "Identify," when used in respect of persons or entities, means to state as to a person, his or her full name, title, place of employment, business address, residence address and business and residence telephone numbers, and expert qualifications, if any; and as to an entity, its full name, the type of entity, the state under whose laws it is organized, the address of its principal office, the name and address of its registered agent in Virginia (if any), and the name and business address of its chief executive officer.

C. "Identify," when used in respect of documents, means to state the date of the document, the type of document (e.g., letter, notes, diary, memorandum, telegram, contract, drawing, diagram,



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photograph, recording, et cetera), the name and address of the author, and to identify all persons having possession, custody or control of the original of such document or copies thereof which may exist. "Identify," when used in respect of tangible things, means to describe the thing itself, and if it is a manufactured item or part thereof, to furnish all information contained on any manufacturers nameplate affixed thereto, or the equivalent information, available from any other source available to you, if no manufacturer's nameplate exists.

D. These interrogatories are intended to reach all of the information called for herein which is within the knowledge or is contained in documents are within the possession, custody or control of either the party to whom these interrogatories are directed or any other person or entity who controls, is controlled by, or is under common control with the party to whom these interrogatories are directed, including attorneys, accountants, consultants, employees, or parent-subsidiary or brother-sister entities.

E. If you claim any privilege as to any information which is called for in these interrogatories, or as to any document the existence or contents of which are called for in these interrogatories, then in your answers required by Rule 4:8 (a) of the Rules, identify the subject matter of such information, and each such document, the number of the interrogatory which calls for it, the name, title and address of all parties or persons who have possession, custody or control of the document and all copies thereof, the nature of the privilege claimed and a summary of facts upon which the claim of privilege is based. This instruction shall not be construed to waive or excuse the obligation to file a timely objection to any interrogatory pursuant to any applicable rules. But an earlier, timely filed objection upon the ground of privilege, which states substantially the same information called for in this instruction will be accepted as compliance.

F. If an election is made to produce documents pursuant to Rule 4:8 (c) of the Rules, in answer to any interrogatory, photocopies of the documents may be substituted for production of the original ONLY if the photocopies are as clear and legible as the originals, are of equal or greater size, and contain all writings or markings appearing on any part or side of the originals, and provided that all markings and writings on the original are of the same color and were made by the same instrument.

G. At the end of each answer to an interrogatory, identify each person who supplied information contained in the response to such interrogatory. If the response to any interrogatory contains information supplied by more than one person, specify the particular information supplied by each person. If the information contained in your response comes from documents, identify such documents.



H. Whenever you are requested to give a date, if you cannot give the exact day, month and year, give your best estimate thereof and specify that it is an estimate.

I. These interrogatories are continuing. If you or your counsel, or any other agent or person whom you control, or who controls you, or with whom you are under common control obtain, discover, or otherwise come to have possession, custody or control of information fairly called for in these interrogatories after the filing of your answers hereto, you are requested to timely serve supplemental answers which comply with Rule 4:8 of the Rules.

Interrogatories

1. State your full correct name, residence address, date and place of birth, Social Security Number, marital status, spouse's full name, your height and weight and your employer's name and business address.

ANSWER:

2. List all establishments and dwellings, with the times and dates of arrival and departure, you visited within 24 hours before the collision, which is the subject of this litigation, and describe whether it was your residence, the residence of another person, a restaurant, a bar, or other type of business establishment; and if the residence of another person, what is the full correct name and address of that person; and if a business establishment, what is the name and address of the business?

ANSWER:



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Phone 540-989-0500
Fax 540-989-1888

3. State whether you had consumed any alcoholic beverage or used or consumed any other drug or medication within twenty-four (24) hours prior to the collision, which is the subject of this litigation. If so, what was the approximate time of day when you first began to consume alcoholic beverages or other drugs on that day; and if so, what was the type and amount of alcoholic beverage or other drugs and brand name that you consumed, and if so, what was the location of each place you consumed alcoholic beverages or other drugs on that day together with the name of the owner of the residence or the name of the business establishment and the names and addresses of all persons known to you and in whose presence you consumed alcoholic beverages or used other drugs at such location?

ANSWER:

4. Were you arrested, cited or did you receive a traffic ticket following the accident; and if so, what was the charge for which you were arrested; and if so, what plea did you enter in the court proceeding in response to the charge? (Attach all documentation thereof.)

ANSWER:

5. If your answer to the previous question was yes, what was the court determination of the charge; and if so, what is the correct name or official designation of the court? (Attach all documentation thereof.)

ANSWER:



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2965 Colonnade Drive, SW
Suite 235
Roanoke, Virginia 24018
Phone 540-989-0500
Fax 540-989-1888

6. State the name of each and every insurance company which carried liability insurance on you, and/or the owner of the vehicle if other than yourself, the vehicle driven by you and your employer at the time of the collision which is the subject of this litigation. Set forth and identify each and every insurance policy which you had or under which you are a named insured or any other type of insured including but not limited to, any liability coverage, umbrella coverage, commercial coverage, and coverage as an employee. Additionally provide the Policy number for each policy.

ANSWER:

7. At the time of the collision, which is the subject of this litigation, list all persons who were in your household, their ages, vehicles insured, name of insurance companies and their relationship to you.

ANSWER:

8. Has any insurance company provided you with any type of denial or declination of coverage, or otherwise provided you with a reservation of rights letter or indicated to you that they are proceeding under a reservation of rights, with regard to any of the policies referenced in your answer to interrogatory numbered 6? If the answer is in the affirmative, please identify all facts relating thereto, all witnesses with knowledge thereto, and attach a copy of any and all correspondence and/or memoranda which relate to said denial, declination of coverage, and/or operation under reservation of rights.

ANSWER:



9. At the time of the occurrence mentioned in Plaintiff's Complaint, did you or any member of the household in which you resided at that time own an automobile, and if so, state the make, description, insurance carrier and limits of liability thereon.

ANSWER:

10. List any and all drugs, both controlled and non-controlled that you used within ten (10) days prior to the collision, which is the subject matter of this litigation, including dates and times of use, the amounts used, the location of use, and list all persons present during such use.

ANSWER:

11. State the complete addresses of each place where you have resided during the five (5) year period immediately prior to responding to these Interrogatories, with the inclusive dates of such residencies.

ANSWER:

12. Describe, in detail, how you contend the event, which is the subject matter of this action, occurred, including your employer at the time of the accident, the facts upon which you rely in alleging that you were not negligent, the accident did not occur in the manner alleged in the Complaint, and that Plaintiff's injuries and damages were not proximately caused by any negligence on your part, and identify all witnesses thereto.

ANSWER:



13. Describe, in detail, all facts showing or tending to show that the Plaintiff was contributorily negligent in the event which is the subject matter of this action, and identify all witnesses thereto.

ANSWER:

14. Describe, in detail, all facts that show or tend to show the Plaintiff had assumed the risk of any injuries the plaintiff sustained from the event which is the subject matter of this action, and identify all witnesses thereto.

ANSWER:

15. State the names and present addresses of all persons known or believed by you, your attorneys, agents, representatives or others acting in your behalf who have knowledge of any facts which are the subject of this action, indicating which of such persons were eye witnesses to the occurrence, whether pertaining to the issue of bodily injuries, liability or damages, or who have or are believed by you, your attorneys, agents or representatives or others to have knowledge of discoverable matters pertinent to the subject matter of this action, and if any such individual witnessed the occurrence of the event which is the subject matter of this action, so state.

ANSWER:



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16. State whether or not you have ever been convicted of felonies or misdemeanors involving moral turpitude, and if your answer to this Interrogatory is "Yes," then state the number and nature of each such conviction and the court where such conviction was obtained. (Attach all documentation thereof.)

ANSWER:

17. State the full name, address and telephone of every person of whom you are aware who has personal knowledge of any material fact in this case, and a statement of what you believe each person witnessed or knows.

ANSWER:

18. Did the plaintiff or any agent of the plaintiff make any statement to you or anyone else relating to how or why the accident occurred? If so, identify each individual, the verbatim statements made, the party making the statement and all persons present at the time the statements were made.

ANSWER:

19. Did you or any agent of yours make any statement to the plaintiff or anyone else, other than to your attorney, relating to how or why the accident occurred? If so, identify each individual, the verbatim statements made, the party making the statement and all persons present at the time the statements were made.

ANSWER:



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20. State the identity of each person whom you expect to call as an expert witness at the trial of this action, and with respect to each such person, state the subject matter on which he or she is expected to testify, the substance of the facts for each opinion to which he or she is expected to testify and a summary of the grounds for each opinion.

ANSWER:

21. State whether or not you, or any agent of yours, has any photographs, snapshots, drawings, surveys or other tangible items, of the scene of the occurrence, vehicles, or the plaintiff giving rise to this litigation. If so, identify each of said items by subject matter and state the date taken or made, the name and address of the person taking or making same, and where and in whose custody each of the said items is now located.

ANSWER:

22. On the date of the collision, which is the subject of this litigation, did you have a telephone in your possession? If so, state the name and address of the account holder, the name and address of the company providing the telephone service, the telephone number and the account number; and describe the telephone in detail, including but not limited to the type, manufacturer, text messaging, email and web-browsing capabilities. Include in your response any and all calls, texts, and uses for whatever purpose you used the device for the period of one hour prior to the collision and one hour after the collision. (including but not limited to seeking directions, reviewing social media, using it for music/blogs, podcasts, checking websites, and any and all other uses).

ANSWER:



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23. Identify any and all electronic devices present in your vehicle at the time of the accident including but not limited to mp3 players, satellite radio, portable DVD players, remote vehicle monitoring devices, and navigation devices; identify the type and manufacturer of each device; identify how each device is powered, whether the device is stationary or portable and their location in your vehicle.

ANSWER:

24. Were you working within the scope of your employment with your employer at the time of the collision? If you answer in the affirmative, please identify all such employers.

ANSWER:

25. Please state the name and address of each of your employers for the period beginning five (5) years preceding the accident which is the subject of this suit and continuing to the date of your answers. For each employer, state the dates of employment and the nature of your duties. If you were self-employed during that time period, please include the dates of self-employment.

ANSWER:

26. Identify all electronic and/or social media accounts registered to or used by the defendant as of the date of the accident, and any time thereafter, including, but not limited to, any and all e-mail accounts, Facebook accounts, MySpace accounts, Twitter accounts, Instagram accounts, blogs, instant messaging, or any other online social networking or communication services. Please identify each such account by service provider, user name, account number, and any other identifying information regarding said accounts.

ANSWER:



REQUEST FOR PRODUCTION OF DOCUMENTS

Instructions and Definitions

The following instructions and definitions apply to all of the requests herein:

A. These requests are intended to reach all of the requested documents which are in the possession, custody or control of the party to whom this request is directed.

B. "Possession, custody or control" means (i) in the physical possession or physical custody of the party to whom the request is directed, or (ii) in the possession of any other person or entity who controls, is controlled by, or is under common control with the party to whom the request is directed, and includes without limitation, attorneys, accountants, employees, consultants, parent-subsidary or brother-sister corporations or entities of the party to whom the request is directed, or (iii) in the possession of any other person or entity not under such control but with whom the party or such control person or entity has business relationships through which documents or information may be obtained.

C. "Document" or "Documents" means and includes every form of document and tangible thing fairly included within the description of designated documents and tangible things appearing in Rule 4:9 (a) (1) of the Rules, as broadly as such rule has been interpreted by the Courts of the jurisdiction in which this action is pending.

D. "Identify" or "identity," when used in respect of persons or entities, means to state as to the person, his or her full name, title, place of employment, business address, residence address and business and residence telephone numbers, and expert qualifications, if any; and as to an entity, its full name, the type of entity, the state under whose laws it is organized, the address of its principal office, the name and address of its registered agent in Virginia (if any), and the name and business address of its chief executive officer.

"Identify" or "identity," when used in respect of documents or tangible things, means to state the date of the document, the type of document (e.g., letter, notes, diary, memorandum, telegram, contract, drawing, diagram, photograph, recording, model, sample, specimen, et cetera), the name and address of the author, and to identify all persons having possession, custody or control of the original of such document or copies thereof which may exist.

E. If any document called for in this request no longer exists, then in your written response required by Rule 4:9 (b) of the Rules, (i) identify each such document and the number or part of this request which calls for it, (ii) describe the circumstances under which it was lost, destroyed or discarded or otherwise ceased to exist, and (iii) identify any person who may still have either a copy of the document or other documents containing essentially the same information.



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F. If you claim any privilege as to any documents called for in this request, then in your written response required by Rule 4:9 (b) of the Rules, describe each document, the number or part of this request which calls for it, the name, title and address of all parties or persons who have possession, custody or control of the document, the nature of the privilege claimed and a summary of the facts upon which the claim of privilege is based. This instruction shall not be construed to waive or excuse the obligation to file a timely objection to any part of this request pursuant to any applicable local rules of the court in which this case is pending. But an earlier, timely filed objection upon the ground of privilege, which states substantially the same information called for in this instruction, will be accepted as compliance.

G. Unless otherwise called for in a particular request, photocopies of the documents may be substituted for production of the original ONLY if the photocopies are as clear and legible as the original, are of equal or greater size, and contain all writings or markings appearing on any part or side of the originals, and provided that all markings and writings on the original are of the same color and were made by the same instrument.

H. These requests are continuing, and timely supplemental responses and production are to be accomplished promptly when additional documents called for herein come into the possession, custody or control of the party to whom this request is directed.

DOCUMENTS TO BE PRODUCED

1. All documents identified in your answer to interrogatory no. 4 or which contain information called for therein.
2. All documents identified in your answer to interrogatory no. 5 or which contain information called for therein.
3. All documents identified in your answer to interrogatory no. 6 or which contain information called for therein.
4. All documents identified in your answer to interrogatory no. 7 or which contain information called for therein.
5. All documents identified in your answer to interrogatory no. 8 or which contain information called for therein.
6. All documents identified in your answer to interrogatory no. 9 or which contain information called for therein.
7. All documents identified in your answer to interrogatory no. 18 or which contain information called for therein.



8. All documents identified in your answer to interrogatory no. 19 or which contain information called for therein.

9. All documents identified in your answer to interrogatory no. 20 or which contain information called for therein.

10. All documents identified in your answer to interrogatory no. 21 or which contain information called for therein.

11. All documents identified in your answer to interrogatory no. 22 or which contain information called for therein.

12. Produce all documents, including photographs, audiotapes, video tapes, film which show that the plaintiff was injured, was not injured, the accident scene, the vehicles involved in the accident, witness testimony or other events of this collision or the damages alleged by the plaintiff.

13. Attach all documents of repair estimates, invoices and reports involving the damage to all of the vehicles involved in the collision which is the subject of this litigation.

14. Attach copies of all declaration sheets of insurance coverage carrying liability insurance on the vehicle driven by you at the time of the collision.

15. Produce all documents, including audiotapes, videotapes and photographs of all statements of the plaintiff, defendant, police officer, investigators and any other witnesses obtained before the defendant retained defense counsel for the present litigation.

16. Attach a copy of the front and back of your current driver's license and the driver's license that was in effect at the time of the collision.

17. Produce all phone records for the date of the accident in question as noted in interrogatory No.23.

18. Any and all email, instant messages or text message you have written or text messages you have written or received from any person, except your attorney, pertaining to this incident or any claim for damages.

19. All content from any and all electronic and /or social media accounts identified in your answer to interrogatory number 27.

20. Provide any documents which you have obtained through a subpoena duces tecum in this matter.



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SYMANTHA L. TURNER

By: 

of Counsel

Benjamin J. Sykes, Esq., VSB#79127
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Counsel for Plaintiff



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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CARROLL

SYMANTHA L. TURNER,

Plaintiff,

v.

Case No: CL _____

KENNETH D. PORTER, JR.,
Serve: Secretary of the Commonwealth
12537 Cheryl Anne Place
Tabor City, NC 28463-7132

and

TRACIE MCCORMICK, INC.,

Defendants.

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
AND INTERROGATORY TO DEFENDANT KENNETH D. PORTER, JR.**

Comes Now, the Plaintiff, Symantha L. Turner, by counsel, and pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia hereby requests that Defendant, Kenneth L. Porter, Jr., admit the following within twenty-eight (28) days from the date of service hereof:

Request for Admission No. 1:

Admit that the Defendant, Kenneth L. Porter, Jr., is correctly named in the Complaint filed in this case.

ANSWER:

Request for Admission No. 2:

Admit that service of process in this action was properly and timely served on Defendant, Kenneth L. Porter, Jr.

ANSWER:



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Request for Admission No. 3:

Admit that the Defendant, Kenneth L. Porter, Jr., was negligent in the operation of the vehicle involved in the collision which is the subject of the Complaint filed in this case.

ANSWER:

Request for Admission No. 4:

Admit that the Defendant, Kenneth L. Porter, Jr.'s negligence was a proximate cause of the collision which is the subject of the Complaint filed in this case.

ANSWER:

Request for Admission No. 5:

Admit that the Defendant, Kenneth L. Porter, Jr.'s negligence was a proximate cause of injuries to the Plaintiff, Symantha L. Turner.

ANSWER:

Request for Admission No. 6:

Admit that the weather was clear and the road surface was dry at the time and place of the Collision that is the subject of the Complaint filed in this case.

ANSWER:

Request for Admission No. 7:

Admit that Kenneth L. Porter, Jr., previously admitted that the subject accident was his fault.

ANSWER:



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Request for Admission No. 8:

Admit that you are not aware of any evidence that the plaintiff was negligent and that such negligence contributed to the cause of the subject collision.

ANSWER:

Request for Admission No. 9:

Admit that you do not allege that any known or unknown third party caused or contributed to the accident that is the subject of this litigation.

ANSWER:



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**PLAINTIFF'S SECOND SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

INSTRUCTIONS

1. If your answers to any of the Request for Admissions are anything other than admitted, please state all the facts or opinions upon which you base your response together with the name of the person(s) having knowledge of facts or holding such opinion.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents or other tangible evidence supporting any denial or unequivocal admission to the above Requests for Admissions.

RESPONSE:

SYMANTHA L. TURNER

By: 

of Counsel

Benjamin J. Sykes, Esq., VSB#79127
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Email: bsykes@skolrood.com
Counsel for Plaintiff



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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CARROLL

SYMANTHA L. TURNER,

Plaintiff,

v.

Case No: CL _____

KENNETH D. PORTER, JR.,

and

TRACIE MCCORMICK, INC.,

Serve: Secretary of the Commonwealth
Tracie McCormick, Registered Agent
for Tracie McCormick, Inc.
5924 New Nashville Highway
Murfreesboro, TN 37129-7020

Defendants.

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT TRACIE MCCORMICK, INC.**

Plaintiff propounds the following Interrogatories to Defendant, Tracie McCormick, Inc., to be separately answered in writing, under oath, within twenty-eight (28) days following the date of service hereof.

Definition and Instructions

A. "Document" or "Documents" means and includes every form of document and tangible thing fairly included within the description of designated documents and tangible things appearing in Rule 4:9 (a) (1) of the Rules of the Supreme Court of Virginia ("the Rules"), as broadly as such rule has been interpreted by the appellate courts of the jurisdiction in which this action is pending.

B. "Identify," when used in respect of persons or entities, means to state as to a person, his or her full name, title, place of employment, business address, residence address and business and residence telephone numbers, and expert qualifications, if any; and as to an entity, its full name, the type of entity, the state under whose laws it is organized, the address of its principal office, the name and address of its registered agent in Virginia (if any), and the name and business address of its chief executive officer.

C. "Identify," when used in respect of documents, means to state the date of the document, the type of document (e.g., letter, notes, diary, memorandum, telegram, contract, drawing, diagram,



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photograph, recording, et cetera), the name and address of the author, and to identify all persons having possession, custody or control of the original of such document or copies thereof which may exist.

"Identify," when used in respect of tangible things, means to describe the thing itself, and if it is a manufactured item or part thereof, to furnish all information contained on any manufacturers nameplate affixed thereto, or the equivalent information, available from any other source available to you, if no manufacturer's nameplate exists.

D. These interrogatories are intended to reach all of the information called for herein which is within the knowledge or is contained in documents are within the possession, custody or control of either the party to whom these interrogatories are directed or any other person or entity who controls, is controlled by, or is under common control with the party to whom these interrogatories are directed, including attorneys, accountants, consultants, employees, or parent-subsidary or brother-sister entities.

E. If you claim any privilege as to any information which is called for in these interrogatories, or as to any document the existence or contents of which are called for in these interrogatories, then in your answers required by Rule 4:8 (a) of the Rules, identify the subject matter of such information, and each such document, the number of the interrogatory which calls for it, the name, title and address of all parties or persons who have possession, custody or control of the document and all copies thereof, the nature of the privilege claimed and a summary of facts upon which the claim of privilege is based. This instruction shall not be construed to waive or excuse the obligation to file a timely objection to any interrogatory pursuant to any applicable rules. But an earlier, timely filed objection upon the ground of privilege, which states substantially the same information called for in this instruction will be accepted as compliance.

F. If an election is made to produce documents pursuant to Rule 4:8 (c) of the Rules, in answer to any interrogatory, photocopies of the documents may be substituted for production of the original ONLY if the photocopies are as clear and legible as the originals, are of equal or greater size, and contain all writings or markings appearing on any part or side of the originals, and provided that all markings and writings on the original are of the same color and were made by the same instrument.

G. At the end of each answer to an interrogatory, identify each person who supplied information contained in the response to such interrogatory. If the response to any interrogatory contains information supplied by more than one person, specify the particular information supplied by each person. If the information contained in your response comes from documents, identify such documents.

H. Whenever you are requested to give a date, if you cannot give the exact day, month and year, give your best estimate thereof and specify that it is an estimate.



I. These interrogatories are continuing. If you or your counsel, or any other agent or person whom you control, or who controls you, or with whom you are under common control obtain, discover, or otherwise come to have possession, custody or control of information fairly called for in these interrogatories after the filing of your answers hereto, you are requested to timely serve supplemental answers which comply with Rule 4:8 of the Rules.

Interrogatories

1. Identify the individual(s) who supplied any information or provided any documentation in response to these Interrogatories and Requests for Production of Documents including address, phone number, social security number and relationship with Tracie McCormick, Inc. Also, is the correct legal name for this defendant in the Complaint filed herein? If not, please state the correct legal name for this defendant.

ANSWER:

2. If defendant Kenneth D. Porter, Jr., was an employee of Tracie McCormick, Inc., at the time of the accident that is the subject of this litigation, state his date of employment, job description and activities for the corporation at the time of the accident.

ANSWER:

3. Was defendant Kenneth D. Porter, Jr., acting within the scope of his employment authority with Tracie McCormick, Inc. at the time of the accident which is the subject of this litigation?

ANSWER:



4. State the name of each and every insurance company which carried liability insurance on the defendant driver, the vehicle driven by the defendant driver or the defendant driver's employer at the time of the incident which is the subject of this litigation. Set forth and identify each and every insurance policy the defendant driver or the defendant driver's employer had or under which the defendant driver or the defendant driver's employer is a named insured or any other type of insured including but not limited to, any liability coverage, umbrella coverage, commercial coverage, and coverage as an employee.

Additionally provide the:

- (a) Coverage amounts for each policy;
- (b) Policy number;
- (c) Effective dates of each policy;
- (d) Number of vehicles covered under each policy;
- (e) Complete declarations page for each policy; and
- (f) Certified copy of each policy.

ANSWER:

5. Describe, in detail, all facts showing or tending to show that the Plaintiff was contributorily negligent in the event which is the subject matter of this action, and identify all witnesses thereto.

ANSWER:

6. Describe, in detail, all facts that show or tend to show the Plaintiff had assumed the risk of any injuries the plaintiff sustained from the event which is the subject matter of this action, and identify all witnesses thereto.

ANSWER:



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7. State the names and present addresses of all persons known or believed by you, your attorneys, agents, representatives or others acting in your behalf who have knowledge of any facts which are the subject of this action, indicating which of such persons were eye witnesses to the occurrence, whether pertaining to the issue of bodily injuries, liability or damages, or who have or are believed by you, your attorneys, agents or representatives or others to have knowledge of discoverable matters pertinent to the subject matter of this action, and if any such individual witnessed the occurrence of the event which is the subject matter of this action, so state.

ANSWER:

8. State the identity of each person whom you expect to call as an expert witness at the trial of this action and, with respect to each such person, state the subject matter on which he or she is expected to testify, the substance of the facts for each opinion to which he or she is expected to testify and a summary of the grounds for each opinion.

ANSWER:

9. State the year, make, model, and owner of the vehicle Kenneth D. Porter, Jr., was occupying at the time of the incident, along with the date of purchase, mileage, and the date and nature of the service performed most recently prior to the incident.

ANSWER:



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10. State whether an engine control module ("ECM"), event data recorder ("EDR"), engine control unit ("ECU"), Electronic Logging Device ("ELD"), video camera, or any other type of monitoring device (hereinafter "monitoring device") was located in the vehicle occupied by Kenneth D. Porter, Jr., at the time of the incident and if so:

- a) describe the type of monitoring device,
- b) state whether the monitoring device is in the possession of the defendant(s), and if so, state the name of the person(s) who has custody of the monitoring device, and
- c) state whether or not the monitoring device was operating at the time of the incident or at any time within the 15 minutes prior to the incident.

ANSWER:

11. State whether a car phone, cellular phone, QualComm communication device, Citizen Band Radio ("CB") or any other type of communication device (hereinafter "communication device") was located in the vehicle occupied by Kenneth D. Porter, Jr., at the time of the incident and if so:

- a) describe the type of communication device,
- b) state whether any occupants in the vehicle were using the communication device at the time of the incident or at any time immediately prior to the incident,
- c) if so, state the name of the person(s) with whom the communication was being made,
- d) state whether or not the communication device was on but not in use at the time of the incident or at any time within the 15 minutes prior to the incident, and
- e) state the service provider of the communication device, the individual's name under which the account is held and the number assigned to the communication service.

ANSWER:



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REQUEST FOR PRODUCTION OF DOCUMENTS

Instructions and Definitions

The following instructions and definitions apply to all of the requests herein:

A. These requests are intended to reach all of the requested documents which are in the possession, custody or control of the party to whom this request is directed.

B. "Possession, custody or control" means (i) in the physical possession or physical custody of the party to whom the request is directed, or (ii) in the possession of any other person or entity who controls, is controlled by, or is under common control with the party to whom the request is directed, and includes without limitation, attorneys, accountants, employees, consultants, parent-subsidiary or brother-sister corporations or entities of the party to whom the request is directed, or (iii) in the possession of any other person or entity not under such control but with whom the party or such control person or entity has business relationships through which documents or information may be obtained.

C. "Document" or "Documents" means and includes every form of document and tangible thing fairly included within the description of designated documents and tangible things appearing in Rule 4:9 (a) (1) of the Rules, as broadly as such rule has been interpreted by the Courts of the jurisdiction in which this action is pending.

D. "Identify" or "identity," when used in respect of persons or entities, means to state as to the person, his or her full name, title, place of employment, business address, residence address and business and residence telephone numbers, and expert qualifications, if any; and as to an entity, its full name, the type of entity, the state under whose laws it is organized, the address of its principal office, the name and address of its registered agent in Virginia (if any), and the name and business address of its chief executive officer.

"Identify" or "identity," when used in respect of documents or tangible things, means to state the date of the document, the type of document (e.g., letter, notes, diary, memorandum, telegram, contract, drawing, diagram, photograph, recording, model, sample, specimen, *et cetera*), the name and address of the author, and to identify all persons having possession, custody or control of the original of such document or copies thereof which may exist.

E. If any document called for in this request no longer exists, then in your written response required by Rule 4:9 (b) of the Rules, (i) identify each such document and the number or part of this request which calls for it, (ii) describe the circumstances under which it was lost, destroyed or discarded or otherwise ceased to exist, and (iii) identify any person who may still have either a copy of the document or other documents containing essentially the same information.

F. If you claim any privilege as to any documents called for in this request, then in your



written response required by Rule 4:9 (b) of the Rules, describe each document, the number or part of this request which calls for it, the name, title and address of all parties or persons who have possession, custody or control of the document, the nature of the privilege claimed and a summary of the facts upon which the claim of privilege is based. This instruction shall not be construed to waive or excuse the obligation to file a timely objection to any part of this request pursuant to any applicable local rules of the court in which this case is pending. But an earlier, timely filed objection upon the ground of privilege, which states substantially the same information called for in this instruction, will be accepted as compliance.

G. Unless otherwise called for in a particular request, photocopies of the documents may be substituted for production of the original ONLY if the photocopies are as clear and legible as the original, are of equal or greater size, and contain all writings or markings appearing on any part or side of the originals, and provided that all markings and writings on the original are of the same color and were made by the same instrument.

H. These requests are continuing, and timely supplemental responses and production are to be accomplished promptly when additional documents called for herein come into the possession, custody or control of the party to whom this request is directed.

DOCUMENTS TO BE PRODUCED

1. All documents involving the employment of Kenneth D. Porter, Jr.
2. All documents identified in your answer to interrogatory No. 4 or which contain information called for therein.
3. All documents identified in your answer to interrogatory No. 9 or which contain information called for therein.
4. All documents or tangible things identified in your answer to interrogatory No. 10 or which contain information called for therein.
5. All documents of tangible things identified in your answer to interrogatory No. 11 or which contain information called for therein.
6. Produce all documents, including photographs, audiotapes, video tapes, film which show that the plaintiff was injured, was not injured, the accident scene, the vehicles involved in the accident, witness testimony or other events of this collision or the damages alleged by the plaintiff.
7. Attach all documents of repair estimates, invoices and reports involving the damage to all of the vehicles involved in the collision which is the subject of this litigation.
8. Attach copies of all declaration sheets of insurance coverage carrying liability insurance on



the vehicle driven by Kenneth D. Porter, Jr., at the time of the collision.

9. Produce all documents, including audiotapes, videotapes and photographs of all statements of the plaintiff, defendant, police officer, investigators and any other witnesses obtained before the defendant retained defense counsel for the present litigation.

10. Produce all documents including any vehicle log book, records of time and/or location recording device in relation to the vehicle occupied by Kenneth D. Porter, Jr., involved in the collision that is the subject of this litigation for the period of 192 hours prior to the incident and for the period of 192 hours following the incident.

SYMANTHA L. TURNER

By:  of Counsel

Benjamin J. Sykes, Esq., VSB#79127
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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CARROLL

SYMANTHA L. TURNER,

Plaintiff,

v.

Case No: CL

KENNETH D. PORTER, JR.,

and

TRACIE MCCORMICK, INC.,

Serve: Secretary of the Commonwealth
Tracie McCormick, Registered Agent
for Tracie McCormick, Inc.
5924 New Nashville Highway
Murfreesboro, TN 37129-7020

Defendants.

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
AND INTERROGATORY TO DEFENDANT TRACIE MCCORMICK, INC.**

Comes Now, the Plaintiff, Symantha L. Turner, by counsel, and pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia hereby requests that Defendant, Tracie McCormick, Inc., admit the following within twenty-eight (28) days from the date of service hereof:

Request for Admission No. 1:

Admit that the Defendant, Tracie McCormick, Inc., is correctly named in the Complaint filed in this case.

ANSWER:

Request for Admission No. 2:

Admit that service of process in this action was properly and timely served on Defendant, Tracie McCormick, Inc.

ANSWER:



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Request for Admission No. 3:

Admit that the Defendant, Kenneth L. Porter, Jr., was working within the scope of his employment for Tracie McCormick, Inc. at the time of the collision which is the subject of the Complaint filed in this case.

ANSWER:

Request for Admission No. 4:

Admit that you are not aware of any evidence that the plaintiff was negligent and that such negligence contributed to the cause of the subject collision.

ANSWER:

Request for Admission No. 5:

Admit that you do not allege that any known or unknown third party caused or contributed to the accident that is the subject of this litigation.

ANSWER:



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**PLAINTIFF'S SECOND SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

INSTRUCTIONS

1. If your answers to any of the Request for Admissions are anything other than admitted, please state all the facts or opinions upon which you base your response together with the name of the person(s) having knowledge of facts or holding such opinion.

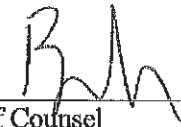
ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents or other tangible evidence supporting any denial or unequivocal admission to the above Requests for Admissions.

RESPONSE:

SYMANTHA L. TURNER

By: 
of Counsel



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